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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,464	05/13/1999	MARTIN A. FREILICH	JPP-1231	1257
34214 7590 07/13/2007 PENTRON CORPORATION 53 NORTH PLAINS INDUSTRIAL ROAD WALLINGFORD, CT 06492			EXAMINER LUCCHESI, NICHOLAS D	
			ART UNIT 3763	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/311,464	Applicant(s) FREILICH ET AL.	
	Examiner Nicholas D. Lucchesi	Art Unit 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-24, 27-32 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 9, 13-18 and 27-32 is/are allowed.
- 6) ☐ Claim(s) 1-8, 10, 11, 19, 20-24, and 43-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,19,45-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Lazzara et al.

Lazzara et al discloses an implant system comprising, a prosthesis 50 having a structural framework 52, and a cylinder (which could be more than one) 26, the cylinder having shelves 18 and 62 comprising grooves 16 and 17, the grooves having at least two sides.

With regard to claim 4, note axial opening 14 extending through the body.

Also, with regard to claim 1 as amended, groove 17 is considered to be “vertically extending” and groove 16 is considered to be “horizontally extending”, since groove 17 is “taller” and less deep than groove 16.

Claim Rejections - 35 USC § 103

Claims 43,44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazzara et al.

Although Lazzara et al fails to disclose a cantilever, nor a series of holes, nodules or beads on the body, it would have been obvious to one skilled in the art to

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include a cantilever, or a series of nodules, holes or beads on the body, as such elements are well known within the dental prosthetic art, and would be obvious to one wishing to increase retention of material, or to promote tissue growth.

Claims 5-8,10,11,20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazzara in view of Names.

Lazzara et al discloses all of the elements as recited in these claims, but fails to disclose the use of a fiber reinforced composite material. Lazzara et al teaches the use of a ceramic material for forming the prosthesis, but not fiber reinforced.

Names discloses the use of a fiber reinforced composite material in forming a dental prosthesis.

It would have been obvious to one skilled in the art to use a fiber reinforced composite material in forming the prosthesis attached to the cylinder of Lazzara et al, if one wished to increase strength of the prosthesis.

Allowable Subject Matter

Claims 9,13-15,16-18,27-32 are allowed.

Response to Arguments


Applicant's arguments filed 6/15/06 have been fully considered but they are not persuasive.

Applicant's arguments toward the Lazzara et al reference are based upon the assertion that Lazzara et al does not show vertical or horizontal grooves. However, as noted in the above rejection of Lazzara et al, the grooves can be considered "horizontal" and "vertical" as one groove is more narrow and upright, and the other groove is deeper and flatter.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Nicholas D. Lucchesi at telephone number 571-272-4977.


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